

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

February 2000 Grand Jury

UNITED STATES OF AMERICA,)	Criminal Case No. _____
Plaintiff,)	I N D I C T M E N T
v.)	Title 18, U.S.C., Sec. 241 -
)	Conspiracy to Violate Civil
ALEXANDER JAMES CURTIS (1),)	Rights; Title 18, U.S.C.,
MICHAEL BRIAN DASILVA (2),)	Sec. 1512(b) (3) - Obstruction of
Defendants.)	Justice
_____)	

The grand jury charges:

INTRODUCTORY ALLEGATIONS

At all times material to this indictment:

1. Defendants ALEXANDER JAMES CURTIS and MICHAEL BRIAN DASILVA, Robert Nichol Morehouse, charged elsewhere, and Kevin Christopher Holland, charged elsewhere, were self-avowed "white supremacists" who advocated, among other things, the supremacy of white people over other races, separation of the races and the oppression of black, Jewish, Hispanic, and other ethnic and racial groups.

2. Bob Filner is a Jewish citizen of the United States, and a U.S. Congressman for the 50th Congressional District in California, whose congressional office is located in Chula Vista, California.

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ALM:cks:San Diego

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3. Art Madrid is a Hispanic citizen of the United States, who resides in La Mesa, California, and is the Mayor of La Mesa, in San Diego County, California.

4. Morris Casuto is a Jewish citizen of the United States, who resides in San Diego, California, and is the Regional Director of the Anti-Defamation League in San Diego, California, which organization promotes the civil rights of Jews.

5. Clara Harris is a white citizen of the United States, who resides in Lemon Grove, California, and is the Director of the Heartland Human Relations and Fair Housing Association, an organization which assists ethnic and racial minorities in obtaining equal housing rights in East San Diego County.

6. Congregation Tifereth Israel is a Jewish synagogue located at 6660 Cowles Mountain Boulevard, San Diego, California.

7. Temple Adat Shalom is a Jewish synagogue located at 15905 Pomerado Road, San Diego, California.

Count 1

1. Beginning in or about 1997, and continuing through in or about the beginning of 1999, within the Southern District of California, and elsewhere, defendants ALEXANDER JAMES CURTIS and MICHAEL BRIAN DASILVA, Kevin Holland, charged elsewhere, and other persons known and unknown to the grand jury did willfully conspire and agree with one another to injure, oppress, threaten and intimidate persons in the free exercise and enjoyment of the rights secured to them by the Constitution and laws of the United States, including the right of Jewish citizens of the United States, to use, hold and occupy real and personal property in the same manner as is enjoyed by all citizens, without discrimination on account of race, color, or national origin.

2. It was part of the plan and purpose of the conspiracy to threaten and intimidate Jewish persons by spray painting upon the exterior of property, swastikas and anti-Semitic writings, advocating violence against Jews, and through such intimidation, force, and threats of force, to interfere with Jewish citizens enjoying their right to use, hold and occupy property, without discrimination on account of race, color, or national origin.

3. It was a further part of the conspiracy that ALEXANDER JAMES CURTIS instructed his followers not to cooperate with the Federal Bureau of Investigation.

OVERT ACTS

In furtherance of the said conspiracy, and to effect and accomplish the objects thereof, the following overt acts, among others, were committed within the Southern District of California, and elsewhere:

1. On or about June 8, 1997, in San Diego County, defendants ALEXANDER JAMES CURTIS and MICHAEL BRIAN DASILVA, and Kevin Christopher Holland, charged elsewhere, traveled by automobile to the Congregation Tifereth Israel located at 6660 Cowles Mountain Boulevard, San Diego, California.
2. On or about June 8, 1997, in San Diego County, defendant MICHAEL BRIAN DASILVA and Kevin Christopher Holland, charged elsewhere, spray painted swastikas and other anti-Semitic slogans on the windows, walls, benches and walkways of Congregation Tifereth Israel, while defendant ALEXANDER JAMES CURTIS stood watch.

3. On or about December 28, 1998, in San Diego County, defendant ALEXANDER JAMES CURTIS, and other persons unknown, traveled to the Temple Adat Shalom located at 15905 Pomerado Road, San Diego, California.
4. On or about December 28, 1998, in San Diego County, defendant ALEXANDER JAMES CURTIS and other persons unknown, spray painted anti-Semitic writings, threatening symbols and Morris Casuto's name upon the exterior of the property of the Temple Adat Shalom.
5. In or about the end of 1998 or the beginning of 1999, in San Diego County, defendant ALEXANDER JAMES CURTIS told Kevin Holland and defendant MICHAEL BRIAN DASILVA that because the FBI was investigating that incident, they should not tell anyone what the three of them did to the Tifereth Synagogue.

All in violation of Title 18, United States Code, Section 241.

Count 2

On or about November 10, 1999, in the Southern District of California, and elsewhere, defendant MICHAEL BRIAN DASILVA did knowingly intimidate, threaten, and corruptly persuade, and attempt to intimidate, threaten, and corruptly persuade, Kevin Christopher Halland by telling Jill Mockler, Kevin Christopher Holland's wife, that if Holland cooperated with federal authorities, he would die, intended thereby to hinder, delay, and prevent the communication by Kevin Christopher Holland to law enforcement officers information relating to the commission or possible commission of a federal offense, namely Conspiracy to Violate Civil Rights, under Title 18, United States Code, Section 241 and Defacing Religious Property, under

Title 18, United States Code, Section 247(a) (1); in violation of Title 18, United States Code, Section 1512(b)(3).

Count 3

1. Beginning in or about 1997, and continuing up to approximately August 2000, in the Southern District of California, defendant ALEXANDER JAMES CURTIS, Robert Nichol Morehouse, charged elsewhere, and other persons known and unknown, did willfully conspire and agree with one another to injure, oppress, threaten and intimidate persons in San Diego County, in the free exercise and enjoyment of the rights secured to them by the Constitution and laws of the United States, including (a) the right of Jewish persons to make and enforce contracts, including contracts for employment, as is enjoyed by all citizens; (b) the right of Jewish citizens of the United States, to use, hold and occupy real and personal property in the same manner as is enjoyed by all citizens; and (c) the right to lawfully aid or encourage racial and ethnic minorities to occupy housing, without discrimination on account of race, color, or national origin.

2. It was part of the plan and purpose of the conspiracy to threaten and intimidate Jewish persons by placing hate literature advocating violence against Jews and a snake skin, in or near their places of employment and at their homes, and through such intimidation, force, and threats of force, to interfere with Jewish persons enjoying their right to employment, and their right to use, hold and occupy property, without discrimination on account of race, color, or national origin.

3. It was further part of the plan and purpose of the conspiracy to threaten and intimidate a person associating with minorities, by placing a snake skin in or near her home, and through such

intimidation, force, and threats of force, to prevent that person from lawfully aiding or encouraging minorities to occupy housing, without discrimination on account of race, color, or national origin.

4. It was a further part of the conspiracy that defendant ALEXANDER JAMES CURTIS told Robert Nichol Morehouse not to cooperate and provide information to the Federal Bureau of Investigation, the United States Attorney's Office, and the federal grand jury, which were investigating all of these incidents.

OVERT ACTS

In furtherance of this conspiracy, and to effect and accomplish the objects thereof, the conspirators did commit the following overt acts, among others, in the Southern District of California and elsewhere:

1. On or about May 26, 1997, in Chula Vista, California, defendant ALEXANDER JAMES CURTIS and Robert Nichol Morehouse placed on the front door and windows of Congressman Bob Filner's Office, stickers containing Nazi swastikas and stating, "Yabba Dabba Doo, Kill Every Jew"; "At My Command, Slay Them In My Presence"; "White Power"; and "Hitler was Right."
2. On or about May 29, 1997, in Chula Vista, California, defendant ALEXANDER JAMES CURTIS and Robert Nichol Morehouse placed on a sign outside of Congressman Bob Filner's Office, a sticker bearing a picture of Hitler with a Nazi swastika on his arm and stating, "White Man Unite & Fight."

3. On or about November 9, 1997, in San Diego county, defendant ALEXANDER JAMES CURTIS and Robert Nichol Morehouse placed on the window pane of the front door of Morris Casuto's residence, an 8 1/2" x 11" sticker bearing a Nazi swastika.
4. On or about August 18, 1997, in San Diego County, defendant ALEXANDER JAMES CURTIS and Kevin Christopher Holland, placed swastika stickers on the poles in the parking lot of the building where the Anti-Defamation League has an office.
5. On or about January 5, 1998, in San Diego, California, defendant ALEXANDER JAMES CURTIS and Robert Nichol Morehouse placed in the parking lot of the Jewish Anti-Defamation League Office where Morris Casuto works, fliers bearing Nazi swastikas.
6. On or about March 29, 1999, in San Diego, California, defendant ALEXANDER JAMES CURTIS and Robert Nichol Morehouse placed in the parking lot of the Jewish Anti-Defamation League Office where Morris Casuto works, hate fliers bearing Nazi swastikas.
7. On or about June 7, 1999, in Chula Vista, California, Robert Nichol Morehouse inserted a snake skin through the mail slot of Congressman Bob Filner's Office, while defendant ALEXANDER JAMES CURTIS stood watch.
8. On or about August 16, 1999, in the Southern District of California, defendant ALEXANDER JAMES CURTIS and Robert Nichol Morehouse placed Nazi swastikas on road signs near the residence of Morris Casuto.

9. In or about May 2000, in Lemon Grove, California, defendant ALEXANDER JAMES CURTIS and Robert Nichol Morehouse placed a snake skin on top of a rose bush in the front yard of Clara Harris' residence.
10. On or about August 22, 2000, in San Diego County, defendant ALEXANDER JAMES CURTIS told Robert Nichol Morehouse not to cooperate and provide information to the Federal Bureau of Investigation, the United States Attorney's Office, and the federal grand jury.

All in violation of Title 18, United States Code, Section 241.

Count 4

1. Beginning in or about January 1997, and continuing through in or about August 1997, in the Southern District of California, defendant ALEXANDER JAMES CURTIS and other persons known and unknown to the grand jury, did willfully conspire and agree with one another to injure, oppress, threaten and intimidate persons in the Southern District of California and elsewhere, in the free exercise and enjoyment of the rights secured to them by the Constitution and laws of the United States, including (a) the right of Art Madrid, a Hispanic citizen of the United States, to use, hold and occupy real and personal property in the same manner as is enjoyed by all citizens without discrimination on account of race, color, or national origin and (b) the right of Art Madrid, who is Hispanic, to make and enforce contracts, including contracts for employment, as is enjoyed by all citizens, without discrimination on account of race, color, or national origin.

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2. It was part of the plan and purpose of the conspiracy to threaten and intimidate Art Madrid, the Mayor of La Mesa, who is Hispanic, by leaving hate literature threatening violence against him and a box containing an inactive hand grenade at the home of Art Madrid, and through such intimidation, force, and threats of force, interfered with Art Madrid enjoying his right to use, hold and occupy property and his right to employment, without discrimination on account of race, color, or national origin.

OVERT ACTS

In furtherance of this conspiracy, and to effect and accomplish the objects thereof, the conspirators did commit the following overt acts, among others, within the Southern District of California, and elsewhere:

1. On or about January 21, 1997, and May 11, 1997, in La Mesa, California, defendant ALEXANDER JAMES CURTIS left at the residence of Art Madrid, stickers bearing "Get out! Beaner Scum" and telephone number 401-9107, which when dialed, plays a pre-recorded message advocating white supremacy.
2. On or about January 21, 1997, in La Mesa, California, defendant ALEXANDER JAMES CURTIS left at the home of Art Madrid, fliers entitled "Spic, Spic," "I Love America by Art Madrid," and "Art Madrid, non-white mayor."
3. On or about August 1, 1997, and August 14, 1997, in La Mesa, California, defendant ALEXANDER JAMES CURTIS left at the home of Art Madrid, fliers that were two inches by three inches in size which depicted the figure of a hooded Klansman pointing his finger, stating: "I want you for the Ku Klux Klan," and contained the telephone number 401-9107.

4. On or about August 12, 1997, in La Mesa, California,
defendant ALEXANDER JAMES CURTIS placed on the front porch
of the residence of Art Madrid, a box with a red bow
containing an inactive hand grenade.

All in violation of Title 18, United States Code, Section 241,

DATED: November 9, 2000.

A TRUE BILL:

Foreperson

GREGORY A. VEGA
United States Attorney

By:

AMALIA L. MEZA
Assistant U.S. Attorney

BILL LAN LEE
Assistant Attorney General
Civil Rights Division

By:

GERARD HOGAN
Trial Attorney

ROY CONN III
Trial Attorney